

## Chapter 25. Regulation of Apiaries

### §2501. Definitions

*Agent or Specialist* - an authorized representative of the state entomologist and/or the Department of Agriculture and Forestry.

*Apiary or Yard* - the assembly of one or more colonies of bees at a single location.

*Beekeeper* - an individual, firm or corporation, who owns or has charge of one or more colonies of bees.

*Certificate of Inspection* - a document issued after inspection for the sale or movement of bees and/or regulated articles.

*Colony, Colony of Bees, or Hives* - an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including brood, combs, honey, and the receptacles inhabited by the bees.

*Comb Package* - a package of bees shipped or moved on a comb containing honey and/or brood, with or without a queen.

*Combless Package* - a package of bees shipped or moved without comb, with or without a queen.

*Commissioner* - the commissioner of Agriculture and Forestry.

*Department* - the Louisiana Department of Agriculture and Forestry.

*Disease or Pest* - any infectious condition of bees which is detrimental to the honey bee industry, such as American foulbrood, European foulbrood, Nosema, Acarine Disease, Varroa Mite, and so forth.

*Frame* - a wooden or plastic case for holding honeycomb.

*Infested* - the presence of any disease or pest of bees.

*Nucleus* - bees, brood, combs and honey in or inhabiting a small hive or portion of a standard hive or other dwelling place.

*Permit* - a document issued for registration of colonies of bees.

*Person* - an individual, firm, corporation or other legal entity.

*Quarantined Area* - any area of the state designated by the state entomologist as having regulated articles which are or may be infested by a disease or pest, which presents a danger to other colonies of bees.

*Queen* - a fully developed female bee, capable of being fertilized.

*Regulated Areas* - geographical areas outside of the state of Louisiana which have been designated by the U.S. Department of Agriculture, Louisiana Department of Agriculture and Forestry or local governmental officials as infested states or counties. Any state or county which fails to conduct annual inspections in accordance with inspection standards adopted by the Louisiana Department of Agriculture and Forestry shall be presumed to be regulated areas.

*Restricted Articles* - colonies of bees, nuclei, comb or combless packages of bees, queens, used or second-hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary.

*State Entomologist* - the entomologist of the Louisiana Department of Agriculture and Forestry.

*Super* - a standard frame hive body (all depths).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2302 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

### **§2503. Annual Registration**

A. On or before October 1 of each year, or prior to bringing any honeybees or beekeeping equipment into the state, every beekeeper shall register with the commissioner every colony or apiary in his possession or under his control, on a form to be furnished by the commissioner.

B. Beekeepers will be designated as Class A or Class B permit holders. To be eligible for a Class A permit, an applicant must either:

1. be domiciled in this state; or
2. have held a Class B permit for three consecutive violation-free years. If violations are incurred at any time during this three-year period, the Class B permit holder will automatically be placed back at year one, pending payment of any fines levied against him by the commissioner.

C. A fee shall accompany the application for registration. The amount of the fee will be based upon the number of colonies owned or under the control of the applicant as follows.

Number of Colonies	Class A Permit	Class B Permit
1 to 25	\$ 2	\$ 8
26 to 100	5	20
101 to 300	10	40
301 to 500	15	60
501 or more	25	

D. Permits issued for registration shall not allow the holder to sell bees or regulated articles as is provided for with a certificate of inspection.

E. Failure to register colonies of bees in the state of Louisiana is a violation of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2305 and R.S. 2:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

### **§2505. Authority of Agents or Specialists to Enter Premises**

A. Agents or specialists of the department are authorized and shall be allowed entrance onto any property or premises in the state of Louisiana for the purpose of inspecting any honeybees or beekeeping equipment when there is probable cause to conclude that the bees or beekeeping equipment is infected with any contagious or infectious diseases or other pests or to ascertain whether such bees may have been or are being transported in violation of the apiary law.

B. No person shall interfere with agents or specialists who are making such inspections on properties or premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

### **§2507. Applications for Inspection**

A. Beekeepers who desire certificates of inspection authorizing the sale or movement of bees and/or regulated articles shall make application for inspection by February 1 of each year on a form that will be furnished by the department and shall give the location of each and every apiary or yard owned or controlled or from which bees and/or regulated articles are to be moved or sold by the applicant. For the purpose of this Section, movement shall mean any movement of bees and/or regulated articles of a distance greater than 100 miles.

B. A map showing the location of each and every apiary or yard must accompany the application for inspection. Each apiarist shall notify the department if the location of an apiary or yard changes after the application has been submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2307 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

#### **§2509. Issuance and Use of Certificates of Inspection**

A. Certificates of inspection shall not be issued by the department except to cover the shipment or movement of package bees and/or regulated articles from a yard or yards that are not under quarantine and have been inspected at least once each year (prior to the shipment or movement of bees therefrom) and found free of American foulbrood infection and other diseases found have been effectively controlled.

B. Certificates of inspection shall not be issued to cover the shipment or movement of bees and/or regulated articles from an area that has been quarantined on account of American foulbrood infection until it has been determined by state entomologist that the American foul-brood infestation has been destroyed. If any apiary or yard of bees has 4 percent or less American foulbrood infestation, as noted below, the infected colony(ies) shall be burned immediately and a partial quarantine imposed. This shall mean that a second inspection shall be made within 21-30 days to insure control of the disease. Where a second inspection is required, colonies shall not be moved except by special permission of the state entomologist.

Colonies in Apiary or Yard	AFB Infected Colony
01-25	1
26-50	2
51-75	3
75 or more	4

1. If over 4 percent of the colonies, but not more than four colonies in the case of over 100 colonies, in an apiary or yard are found to be infested with American foulbrood, the colonies shall be burned immediately and the apiary or yard shall be placed under a 21-30 day quarantine, during such time no drugs will be allowed to be fed to the bees. If after 21-30 days an inspection shows that the apiary or yard is found free from American foulbrood infestation, the quarantine shall be lifted. However, if American foulbrood is again found, an additional 21-30 day quarantine period shall be enforced and infested colonies shall be burned immediately. An additional 60-day quarantine shall be enforced on any quarantined apiary or yard found to be treated with drugs to mask the infection.

C. Certificates of inspection shall be issued to cover the shipment or movement of bees and/or regulated articles into other states only with the approval of the proper officials of the state of destination.

D. Certificates of inspection issued by the department shall be used by beekeepers only to cover the shipment or movement of bees and/or regulated articles from a yard or yards designated by the state entomologist or his agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2306 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

#### **§2511. Movement of Bees and/or Regulated Articles into Louisiana and the Power to Prevent the Introduction of Contagious and/or Infectious Diseases or Pests**

A. Queens and/or combless packages of bees purchased by mail orders may be shipped into Louisiana only when accompanied by certificate of inspection signed by the state entomologist, state apiary inspector or similar official of the state or country of such bees' origins. The certificate shall certify to the apparent freedom of the bees from contagious or infectious diseases and/or pests and shall be based upon an actual inspection of the bees during the current inspection season.

B. Honeybees and used or second-hand beekeeping equipment may be shipped into the state by a person possessing a current Class A permit, but only when accompanied by certificate of inspection signed by the state entomologist, state apiary inspector or similar official of the state or country of such bees' origin. The certificate shall certify to the apparent freedom of the bees from contagious or infectious diseases and pests and shall be based upon an actual inspection of the bees to be shipped or moved within a period of 60 days preceding the date of shipment.

C. Combless honeybees may be shipped into the state by a person possessing a current Class B permit, but only when accompanied by a certificate of inspection signed by the state entomologist, state apiary inspector or similar official of the state or country of such bees' origin. The certificate shall certify to the apparent freedom of the bees

from contagious or infectious diseases and shall be based upon actual inspection of the bees to be shipped or moved within a period of 60 days preceding the date of shipment. The shipment of other regulated articles into Louisiana by Class B permit holders is prohibited.

D. When honeybees are to be shipped or moved into the state from other states or countries where no official state apiary inspector or state entomologist is available, the commissioner may permit the shipping into Louisiana of such bees upon presentation of suitable evidence showing the bees to be free from disease.

E. The commissioner may inspect any honeybees or beekeeping equipment being shipped into this state, even if the honeybees or beekeeping equipment are accompanied by a certificate of inspection issued by another state. If an inspection of honeybees or beekeeping equipment accompanied by a certificate of another state reveals the presence of contagious or infectious disease, the commissioner may declare a moratorium on this state's recognition of any certificate of inspection issued by that state until the commissioner determines that the standards of inspection of that state are adequate to ensure the health and safety of Louisiana honeybees at least equal to the standards established by this state.

F. Movement of regulated articles from regulated areas into Louisiana shall require a limited permit issued by the state entomologist.

G. If the state entomologist, or his agents, or specialists find any honeybees or regulated articles infected with or exposed to contagious or infectious diseases, he may require the destruction, treatment, or disinfection of such infected or exposed bees or beekeeping equipment.

H. If the state entomologist, or his agents or specialists find that any honeybees and/or regulated articles have been brought into this state in violation of this Part, the bees and/or regulated articles shall be immediately placed under quarantine until released by the commissioner or state entomologist after thorough inspection for pests. The payment of any and all fines, inspection fees and/or costs of maintenance and preservation, if any, either due or to become due the department by the owner of such bees and/or regulated articles shall be made before release. Such release shall be only for the purpose of immediate removal of the bees and/or regulated articles from this state. The presence in this state of bees and/or regulated articles in violation of registration or entry requirements 24 hours after they have been released by the department shall constitute a new and separate violation(s) of this Part.

I. Except as otherwise permitted in this Section, the movement or shipment into this state of colonies of bees, nuclei, comb package of bees, or used or second-hand beekeeping equipment is prohibited.

J. All hives shall have removable tops and frames allowing inspection at all depths.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2306 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

### **§2513. Requirements Covering the Movement into Louisiana of Supers and Frames Used in Shipping Honey to Points In or Out of the State**

A. Under special permit issued by the state entomologist, Class A permit holders of Louisiana may ship honey supers filled with frames and honey to points outside the state and/or move or ship the same back into Louisiana provided:

1. each super bears a brand or label containing the name and address of the shipper;
2. all shipments are free of bees and are transported under bee proof enclosures; and
3. upon receipt of such supers, frames and/or honey into the state, the state entomologist shall be advised of same, indicating the number of supers and frames and name and address of co-signer. All such equipment shall be subject to inspection by agents of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

#### **§2515. Authority to Establish Quarantine Area**

A. The state entomologist has authority to designate any area of the state as a quarantine area when he determines that diseases and/or pests in that area constitutes a danger to other colonies of bees.

B. To establish a quarantine area, the state entomologist shall publish in the *Louisiana Register* a notice of quarantine which details a finding or findings of danger to the health and welfare of bee colonies, geographical area of quarantine, the date the quarantine is to begin, and the objective(s) of the quarantine.

C. The shipment or movement of regulated articles from any quarantine area of Louisiana is prohibited until such time that the quarantine has been lifted or by special written permission from state entomologist.

D. The state entomologist shall have full authority to control, eradicate or prevent the introduction, spread and dissimilation of any and all contagious and infectious disease of bees and all other pest of bees.

E. The state entomologist may modify or terminate a quarantine by publication of a notice in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308, R.S. 3:2304 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

#### **§2517. Eradication Measures**

A. All colonies of bees infected with American foulbrood shall be destroyed by burning the frames, bees and combs in the presence of or by an agent or specialist of the department. Hive bodies and top and bottom boards saved from infected colonies shall be moved from the yard during the burning process or by a time prescribed by agents or specialists of the department and are to be scorched or properly treated to remove possible sources of reinfestation before re-use. Failure to adhere to this requirement shall result in destruction of all infected equipment including hive bodies, top and bottom boards.

B. Nuclei exposed to American foulbrood infection by the transfer of combs with brood or bees from an infected colony or yard shall be destroyed by burning.

C. Any apiary or yard suspected of being infected with American foulbrood shall be reported to the department.

D. All colonies of bees found infected with European foulbrood shall be requeened within 30 days after infection is found. European foulbrood found in excess of 4 percent upon second inspection shall be quarantined until the disease is under control.

E. All other bee diseases and/or pests found that are considered detrimental to the honeybee industry shall be treated as prescribed by the state entomologist or his designee for the control of same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308, R.S. 3:2304 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

#### **§2519. Penalties and Adjudicatory Proceedings**

A. Whenever the commissioner has any reason to believe that a violation of these regulations has occurred, an adjudicatory hearing will be held to make a determination with respect to the suspected violation.

B. Upon any directive of the commissioner, the state entomologist shall give written notice to the person suspected of the violation, such notice to comply with the requirements of the Administrative Procedure Act, at least five days prior to the date set for such adjudicatory hearing.

C. The commissioner shall designate a hearing officer to preside at all adjudicatory proceedings.

D. At any such adjudicatory hearing, the person suspected of a violation of these regulations shall be accorded all of the rights set forth in the Administrative Procedure Act.

E. Whenever the commissioner makes a determination from the proceedings of the adjudicatory hearing that any violation of R.S. 3:2301 et seq., or these regulations has occurred, the commissioner may impose a monetary fine.

F. The commissioner may impose a penalty of up to \$500 for each violation of R.S. 3:2301 et seq., or these regulations which is proven in any adjudicatory hearing.

G. Each separate day on which a violation occurs shall be considered a separate violation.

H. Any person may appeal any action taken by the commissioner to impose a monetary penalty by:

1. applying for a rehearing under the procedures provided in the Administrative Procedure Act; or
2. applying for judicial review of the commissioner's determination, under either the Administrative Procedure Act or other applicable laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2310 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).

#### **§2521. Repeal of Prior Rules and Regulations**

A. All prior rules and regulations adopted and/or promulgated in accordance with R.S. 3:2303 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985).